



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:
OSB1997-0711

September 29, 1998

Mr. Robert W. Williams
Regional Forester
Pacific Northwest Region, Region 6
USDA Forest Service
333 S.W. First Avenue
P.O. Box 3623
Portland, Oregon 97208

Ms. Elaine Y. Zielinski
State Director, Oregon and Washington
USDI Bureau of Land Management
1515 S.E. Fifth Avenue
Portland, Oregon 97208

Re: Confirmation of Conference Opinion as Biological Opinion for USDA Forest Service and
USDI Bureau of Land Management Plans for Administrative Units Occurring within the Oregon
Coast Coho Salmon Evolutionarily Significant Unit

Dear Mr. Williams and Ms. Zielinski:

This is in response to your September 1, 1998, letter requesting that the March 18, 1997, conference opinion on management plans for Forest Service (FS) and Bureau of Land Management (BLM) administrative units occurring within the Oregon Coast (OC) coho salmon evolutionarily significant unit (ESU) be adopted as a biological opinion. NMFS' March 18, 1997, biological and conference opinion applied to several listed, proposed, and candidate salmonid species that occur on the Oregon coast. NMFS listed the OC coho salmon ESU as threatened under the Endangered Species Act on August 10, 1998 (63 FR 42587). This ESU includes coastal streams between Cape Blanco and the Columbia River (Columbia River excluded). Only naturally spawned populations of coho salmon are listed. The effective date for this listing is October 9, 1998.

Your letter conveyed that there has been no significant new information or significant changes to FS Land and Resource Management Plans (LRMP) and BLM Resource Management Plans (RMP) for the following administrative units:

FS National Forests

Siuslaw
Siskiyou
Umpqua

BLM Districts

Coos Bay	Roseburg
Eugene	Salem
Medford	

NMFS has reviewed the March 18, 1997, conference opinion (prepared pursuant to formal consultation procedures in 50 CFR 402.14) which contained conservation recommendations and reasonable and prudent measures to avoid or minimize incidental take associated with implementation of the LRMPs and RMPs. NMFS is not aware of any significant changes to

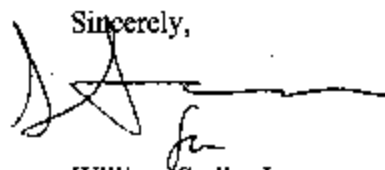


Federal actions that would alter the content of this conference opinion. NMFS also finds that there is no significant new information, developed since the preparation of the conference opinion (including that developed during the rulemaking process on the listing), pertaining to this species. Therefore, in accordance with 50 CFR 402.10(d), NMFS hereby adopts the March 18, 1997, conference opinion for the subject LRMPs and RMPs within the OC coho salmon ESU as the biological opinion. As noted above, the March 18, 1997 biological opinion includes an incidental take statement with reasonable and prudent measures (RPMs) to avoid or minimize incidental take associated with implementation of the subject LRMPs (RPMs 1-3 on page 63). The mandatory terms and conditions that implement these RPMs (pages 66-70) are now effective with the adoption of this conference opinion as a biological opinion for OC coho salmon.

The incidental take statement also includes suggested RPMs and implementing terms and conditions that NMFS will likely apply in future project-level consultations to minimize incidental take from several specified categories of land management actions; e.g., road construction. These terms and conditions are provided as a courtesy to the land management agencies, in the spirit of the early planning component of the consultation streamlining process, to help managers design projects that minimize incidental take to listed salmon. NMFS expects that future project-level consultations will be further streamlined if these measures are included as integral project components prior to bringing the actions to the level 1 teams for consultation.

At this time, NMFS has not yet published a §4(d) rule to apply the §9 take prohibitions for threatened species to OC coho salmon (§9 applies automatically to endangered species). However, in the absence of a §4(d) rule, Federal agencies have an independent responsibility under §7(a)(2) of the ESA to consult on actions that may affect listed species. Section 7(b)(4) states that the Secretary "shall" provide the Federal agency with an incidental take statement, while § 7(b)(4)(C)(iv) provides that the implementing terms and conditions "must be complied with." These requirements apply whether or not take has been prohibited by a §4(d) rule and are intended to help ensure that the level of take from proposed actions will not approach the point at which the species would be jeopardized. The incidental take statement also establishes a maximum level of take beyond which consultation must be reinitiated [see 50 C.F.R. §§ 402.14(I)(4); 402.16(a)]. These responsibilities are independent of §9 and take effect upon the effective listing date.

If you have any questions, please contact Steve Morris of my staff at (503) 231-2224.

Sincerely,

William Stelle, Jr.
Regional Administrator

cc: Scott Woltering - USFS, Portland
Karl Stein - BLM, Portland